

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

**ORDER VACATING JULY 20, 2006  
HEARING**

vs.

INTERNATIONAL BUSINESS MACHINES,

Defendant(s).

Pending before the Court is defendant International Business Machines' Motion to Dismiss. Doc. #542. Both parties have informed the Court that they are prepared to forgo a hearing and submit the matter on the papers. Upon review of the parties' papers, the Court finds a hearing unnecessary and hereby VACATES the July 20, 2006 hearing. A separate ruling shall be issued.

**IT IS SO ORDERED.**

Dated: July 18, 2006

  
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MARIA ELENA JAMES  
United States Magistrate Judge